

Message Text

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FOR TCDC DELEGATION

FOLLOWING REPEAT USUN 3509 ACTION SECSTATE INFO ALGIERS
BONN BRUSSELS GENEVA KINGSTON LONDON PARIS TOKYO SEP 8.

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BRUSSELS ALSO FOR USEEC

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WHITE HOUSE FOR BRZEZINSKI AND OWEN

E.O. 11652: N/A

TAGS: UN, EFIN

SUBJECT: UNGA COMMITTEE OF THE WHOLE--IMPASSE OVER
DEFINITION OF ITS MANDATE. REPORT AS OF C.O.B.
SEPTEMBER 7

REF: GENEVA 11302 AND MAYNES-HORMATS TELCON OF
SEPTEMBER 7

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PAGE 02 STATE 229742

1. SUMMARY. THE OPENING OF THE SEPTEMBER MEETINGS OF
THE COMMITTEE OF THE WHOLE (COW) HAS BEEN DELAYED BY A
FUNDAMENTAL DISAGREEMENT BETWEEN THE U.S. AND THE G-77 OVER
THE COMMITTEE'S FUNCTIONS. THE G-77 WANTS THE COMMITTEE TO
DEFINE ITSELF AS A NEGOTIATING BODY TO REACH AGREEMENT ON
UNRESOLVED ISSUES IN THE NORTH/SOUTH DIALOGUE. THE U.S.
HAS REMAINED FIRM IN ITS VIEW THAT THIS WOULD BE A SIGNIFI-

CANT DEPARTURE FROM THE UNGA'S ORIGINAL MANDATE WHICH DESCRIBED THE COW AS A FORUM FOR "FACILITATING AND EXPEDITING" AGREEMENT ON THE RESOLUTION OF OUTSTANDING ISSUES. WE HAVE CONTINUED TO EXPLAIN THAT WE SEE THE COW AS A PLACE WHERE HIGH-LEVEL OFFICIALS SHOULD MEET TO EXCHANGE VIEWS AND, IF POSSIBLE, MAKE SUBSTANTIVE BREAKTHROUGHS ON NORTH/SOUTH ISSUES. WE HAVE SAID THAT IF THE G-77 INSISTS ON TURNING COW INTO A COMPULSORY COURT OF LAST RESORT FOR ANY AND ALL NEGOTIATIONS TAKING PLACE ELSEWHERE, IT COULD UNDERCUT COMPETENT INSTITUTIONS FROM ACHIEVING AGREEMENT. ITS EFFECTIVENESS WOULD DIMINISH GREATLY AS WOULD OUR LEVEL OF ENTHUSIASM AND REPRESENTATION. IF HIGH-LEVEL OFFICIALS CAME TO COW MEETINGS TO NEGOTIATE, THEY WOULD NOT NECESSARILY HAVE THE TECHNICAL EXPERTISE TO DISCUSS CONCRETE MATTERS IN DETAIL. NOR, IN CASES WHERE NO AGREEMENT WAS POSSIBLE, WOULD THEY BE WILLING TO LOSE DAYS AND NIGHTS IN FRUITLESS EFFORTS TO ACHIEVE AGREEMENT. RATHER, COW MEMBERS WOULD SEND LOWER-LEVEL OFFICIALS WHO WOULD BE UNDER RIGID INSTRUCTIONS AND HAVE VERY LIMITED FLEXIBILITY. IN LONG HOURS OF DISCUSSION, THE G-77 HAVE GIVEN NO INDICATION THAT THEY ARE WILLING TO COMPROMISE. THEY INSIST THAT THE COMMITTEE SHOULD NOT PROCEED WITH ITS SCHEDULED RESUMPTION OF THE FIRST (MAY) SUBSTANTIVE SESSION OR THE SECOND (SEPTEMBER) SESSION UNTIL THIS PROCEDURAL DISPUTE IS RESOLVED. IF IT CANNOT BE RESOLVED TOMORROW, THE MEETINGS MAY BE SUSPENDED AND THE PROCEDURAL ISSUE REFERRED LIMITED OFFICIAL USE

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PAGE 03 STATE 229742

TO THE UNGA. END SUMMARY.

2. THE OPENING OF THE SEPTEMBER MEETINGS OF THE UNGA COMMITTEE OF THE WHOLE HAS BEEN DELAYED NOW FOR THREE DAYS, DUE TO A DISPUTE BETWEEN THE U.S., WITH SPORADIC SUPPORT FROM OTHER GROUP B COUNTRIES, AND THE G-77 OVER THE MEANING OF THE COMMITTEE'S MANDATE.

3. BEFORE BEGINNING THE RESUMED FIRST SESSION (HELD OVER SINCE MAY), WHICH HAD BEEN SCHEDULED FOR SEPTEMBER 5, THE COMMITTEE MET INFORMALLY ON SEPTEMBER 4 TO DISCUSS ITS PURPOSE AND DECISION-MAKING PROCEDURES. IN EFFECT, THIS WAS A CONTINUATION OF THE INFORMAL MEETING THAT TOOK PLACE IN GENEVA ON JULY 20 (REFTEL). THE COMMITTEE'S CHAIRMAN, JAZAIRY, SUGGESTED AT THE OUTSET THAT A SUMMARY OF THE DISCUSSION WOULD BE DRAFTED OVERNIGHT AND ADOPTED THE NEXT DAY BY THE COMMITTEE.

4. ALTHOUGH A NUMBER OF DELEGATIONS CONTRIBUTED TO THE DISCUSSION THAT FOLLOWED ON SEPTEMBER 4, THE CONCLUSION WAS A FRANK EXCHANGE BETWEEN THE U.S. (HORMATS) AND AMB. MILLS OF JAMAICA, SPEAKING FOR THE G-77, ON WHETHER

THE COW SHOULD BE A NEGOTIATING BODY. MILLS SAID THE G-77 WAS DISAPPOINTED OVER THE LACK OF PROGRESS ON THE NORTH/SOUTH DIALOGUE. THE COW IS THE ONLY BODY WITH A MANDATE TO SEEK AGREEMENT ON ALL ASPECTS OF THE NIEO, AND IT SHOULD HAVE THE RIGHT TO NEGOTIATE AGREED CONCLUSIONS ON SPECIFIC ISSUES. HORMATS SAID THAT WHILE HE BELIEVED THAT THERE HAS BEEN MORE PROGRESS MADE THAN WE HAVE BEEN GIVEN CREDIT FOR, HE COULD UNDERSTAND SOME OF THE FRUSTRATIONS OF THE G-77. BUT, TO THE EXTENT PROGRESS HAS NOT BEEN MADE, THE ANSWER WAS TO REDOUBLE OUR EFFORTS AT ACCOMMODATION IN THE APPROPRIATE NEGOTIATING BODIES. THE COW, MEANWHILE, CAN PROVIDE IMPETUS AND FACILITATE AGREEMENTS. JAZAIRY ASKED THE COMMITTEE IF IT WAS WILLING TO PROCEED EVEN IN THE ABSENCE OF A NEW AGREEMENT ON ITS MANDATE (AS PROPOSED BY LIMITED OFFICIAL USE

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PAGE 04 STATE 229742

HORMATS) OR IF IT SHOULD DECIDE "ONCE AND FOR ALL" HOW TO HANDLE EACH AGENDA ITEM. THE MEETING ENDED IMMEDIATELY THEREAFTER WHEN MILLS SAID IT WOULD BE IMPOSSIBLE TO PROCEED WITHOUT A RESOLUTION OF THE "CENTRAL ISSUE."

5. THE DRAFT TEXT PROPOSED BY JAZAIRY ON SEPTEMBER 5 WAS SUPPOSED TO REFLECT THE VIEWS SET FORTH ON THE PREVIOUS DAY. BUT IN FACT REFLECTED NEITHER THE YOUNG FORMULA PROPOSED BY THE U.S. IN JULY NOR ANY OF THE STATEMENTS MADE BY THE U.S. AND OTHER WESTERN DELEGATES ON SEPTEMBER 4. JAZAIRY'S DRAFT SAID: "IN FULFILLING ITS MANDATE AS SET FORTH IN RES. 32/174, ESSENTIALLY UNDER PARAS. 4(B) AND 4(C), THE COMMITTEE WILL NEGOTIATE IN ORDER FOR IT TO ADOPT GUIDELINES ON CENTRAL POLICY ISSUES AS WELL AS AGREEMENT ON UNSOLVED PROBLEMS OF MAJOR CONCERN RELATED TO INTERNATIONAL ECONOMIC COOPERATION. THE RESULT OF THESE NEGOTIATIONS WILL BE EXPRESSED IN THE FORM OF ACTION-ORIENTED, AGREED CONCLUSIONS OF THE COMMITTEE ADDRESSED TO STATES AND INTERNATIONAL ORGANIZATIONS CONCERNED. ' THE U.S., WITH THE SUPPORT OF OTHER WESTERN COUNTRIES, OBJECTED TO THIS AS INFRINGEMENT OF THE MANDATE AND SUGGESTED AN ALTERNATIVE: "IN FULFILLING ITS MANDATE AS SET FORTH IN RES. 32/174, ESSENTIALLY UNDER PARAS 4(B) AND 4(C), THE AIM OF NEGOTIATIONS IN THE COMMITTEE WILL BE TO ADOPT GUIDELINES ON CENTRAL POLICY ISSUES IN ORDER TO FACILITATE, INTER ALIA, AGREEMENT ON UNSOLVED PROBLEMS OF MAJOR CONCERN RELATED TO INTERNATIONAL ECONOMIC COOPERATION." (THIS WAS FOLLOWED BY A CONCLUDING PHRASE VIRTUALLY IDENTICAL TO THAT OF THE G-77 TEXT.)

6. MILLS MADE IT CLEAR THAT THE G-77 WERE NOT PREPARED TO BEGIN THE SUBSTANTIVE PORTION OF THE COW MEETING UNTIL THIS PROCEDURAL DISPUTE WAS RESOLVED. INTENSIVE CONSULTATIONS LIMITED OFFICIAL USE

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PAGE 05 STATE 229742

TOOK PLACE ON SEPTEMBER 5 AND 6 TO RESOLVE THE DIFFERENCES BETWEEN THE TWO TEXTS. INFORMAL TALKS TOOK PLACE ON THE FLOOR OF THE SECOND COMMITTEE ROOM WHILE DELEGATES WAITED, IN VAIN, FOR THE FORMAL SESSION TO BEGIN; ATTEMPTS WERE MADE TO USE UN SECRETARIAT OFFICIALS TO MEDIATE; TELEPHONE CONTACTS WERE MADE BETWEEN UN MISSIONS. THE CONSULTATIONS CULMINATED IN A RESTRICTED MEETING OF "FRIENDS OF THE CHAIRMAN" WHICH LASTED LATE INTO THE EVENING OF SEPTEMBER 6.

7. DURING THIS MEETING, THE U.S. DELEGATE (HORMATS) FOUND HIMSELF INCREASINGLY ISOLATED AS THE CANADIANS AND MOST OF THE EC-9 ARGUED FOR ACCEPTANCE OF THE G-77 TEXT. A SLIGHTLY WATERED-DOWN VERSION WAS FINALLY ACCEPTED WITH U.S. RESERVATION THAT THIS EXCEEDED MANDATE, THAT WE HAD BEEN PRESENTED WITH AN ULTIMATUM, THAT ACTION CHANGES CHARACTER OF COMMITTEE SIGNIFICANTLY AND RISKS COW PRE-EMPTING OR UNDERCUTTING PROGRESS IN OTHER REGULATORY FORA AS WELL AS MAKES COW ANOTHER SECOND COMMITTEE. THE TEXT READS: "IN FULFILLING ITS MANDATE AS SET FORTH IN RES. 32/174, ESSENTIALLY UNDER PARAS. 4(B) AND 4(C), THE COMMITTEE WILL NEGOTIATE WITH A VIEW TO ITS ADOPTION OF GUIDELINES ON CENTRAL POLICY ISSUES AS WELL AS ITS ACHIEVING AGREEMENT ON THE RESOLUTION OF FUNDAMENTAL OR CRUCIAL ISSUES UNDERLYING UNRESOLVED PROBLEMS RELATED TO INTERNATIONAL ECONOMIC COOPERATION." (SAME CONCLUDING SENTENCE AS G-77 TEXT.)

8. ON THE MORNING OF SEPTEMBER 7, ON INSTRUCTIONS FROM DEPARTMENT, HORMATS INFORMED JAZAIRY THAT WE COULD NOT ACCEPT THIS "COMPROMISE" WITHOUT STATING FORMALLY THAT WE UNDERSTOOD "AGREEMENT" TO MEAN STEPS THAT WOULD "FACILITATE AND EXPEDITE" THE RESOLUTION OF UNSOLVED PROBLEMS. JAZAIRY REPLIED THAT IF REAL DIFFERENCES REMAINED, IT WAS JUST AS WELL NOT TO ACCEPT THE "COMPROMISE" TEXT, WHICH WOULD HAVE BEEN INTERPRETED BY THE G-77 AND SOME OTHERS AS A MAJOR LIMITED OFFICIAL USE

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PAGE 06 STATE 229742

BREAKTHROUGH. HORMATS ALSO INFORMED OTHER DELS IN GROUP B, GROUP D, AND G-77 OF U.S. POSITION, THAT WE HAD MADE GENUINE EFFORT TO COMPROMISE, BUT THAT AGREEMENT WITHOUT SUCH A STATEMENT WOULD BE TANTAMOUNT TO ACCEPTING FUNDAMENTAL CHANGE IN MANDATE AND COULD IMPAIR NEGOTIATIONS ELSEWHERE.

9. G-77 NOW DETERMINING POSITION IN LIGHT OF ABOVE EVENTS.
YOUNG UNQUOTE CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
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Control Number: n/a
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Draft Date: 12 sep 1978
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Review Content Flags:
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